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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No.: 2:12 CR 00369 JAM
) 2:99 CR 00401 JAM
)
Plaintiff,) STIPULATION REGARDING
) EXCLUDABLE TIME PERIODS UNDER
vs.) SPEEDY TRIAL ACT FINDINGS AND
) ORDER
EDWIN W. BALERO,)
)
Defendant)

Plaintiff, United States of America, by and through its counsel of record, and the defendant, EDWIN W. BALERO, by and through his counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on March 5, 2013.
2. By this stipulation, the defendant now moves to continue the status conference until March 19, 2013 at 9:45 a.m., and to exclude time between March 5, 2013 and March 19, 2013 under Local Code T4. Plaintiff does not oppose this request.
3. The parties agree and stipulate, and request that the Court find the following:
 - a. Counsel for the defendant desires additional time to consult with his client regarding a resolution to this case.

1 b. Additionally, defense counsel is currently in a criminal trial in Los Angeles
2 County, which is expected to be completed by March 8, 2013.

3 c. Counsel for the defendants believe that failure to grant the above-requested
4 continuance would deny him the reasonable time necessary for effective preparation, taking into
5 account the exercise of due diligence.

6 d. The government does not object to the continuance.

7 e. Based on the above-stated findings, the ends of justice served by continuing the
8 case as requested outweigh the interest of the public and the defendants in a trial within the
9 original date prescribed by the Speedy Trial Act.

10 e. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
11 et seq., within which trial must commence, the time period of March 5, 2013, to March 19, 2013,
12 at 9:15 a.m. inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
13 Code T4] because it results from a continuance granted by the Court at defendant's request on
14 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
15 best interest of the public and the defendants in a speedy trial.

16 4. Nothing in this stipulation and order shall preclude a finding that other
17 provisions of the Speedy Trial Act dictate that additional time periods are excludable from the
18 period within which a trial must commence.
19

20
21 Respectfully submitted,
22

23
24 Date: 2-28-13

25 By: /s/ Danny D. Brace, Jr.
DANNY D. BRACE, JR.,
Attorney for
Mark Allen Cline

1 Date: 2-28-13

By: /s/ Michael McCoy
Authorized to sign for Mr. McCoy
On February 28, 2013
Michael McCoy
Assistant U.S. Attorney

5 **IT IS SO ORDERED:**

6 **Dated: 2/28/2013**

8 /s/ John A. Mendez
HON. JOHN A. MENDEZ